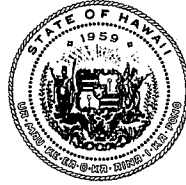


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
INTERIM DIRECTOR OF HEALTH

**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

March 23, 2011

S03268LI

Mr. Joseph Whelan, District Manager  
Waste Management of Hawaii, Inc.  
92-460 Farrington Highway  
Kapolei, Hawaii 96707

Mr. Timothy Steinberger, Director  
Department of Environmental Services  
City and County of Honolulu  
1000 Uluohia Street, Suite 212  
Kapolei, Hawaii 96707

Dear Messrs. Whelan and Steinberger:

SUBJECT: Existing Sedimentation Basin  
Waimanalo Gulch Sanitary Landfill

On March 3, 2011, the Department of Health (DOH), Environmental Management Division (EMD) received Waste Management of Hawaii, Inc.'s (WMH's) letter dated February 28, 2011 requesting DOH's concurrence to pump water from the sedimentation basin to the permitted discharge point under the City and County of Honolulu's (City's) NPDES Notice of General Permit Coverage (NGPC). The letter further asks whether there is a legal prohibition to the proposed discharge.

The DOH does not concur with the proposed pumping and direct discharge of water from the sedimentation basin to state waters. The proposed discharge would be in violation of the City's Waimanalo Gulch Sanitary Landfill NGPC, and a violation of Hawaii Revised Statutes §342d-50(a). Violations of Hawaii Water Pollution rules and regulations may be subject to administrative, civil, and/or criminal penalties.

However, we recognize that the situation has changed with the western drainage system now functional, the pumping and hauling out of a large portion of the contaminated stormwater, and analytical data for the water and sediment recently taken from the sedimentation basin. It is also evident that additional measures are needed to expedite the rehabilitation of the sedimentation basin. We understand that after the February and March 2011 rain events, the water level in the sedimentation basin rose, prohibiting immediate excavation of the sediments at the bottom of the basin. Therefore, we offer the following options for your consideration. The options do not preclude, and can be performed in conjunction with, the continued pumping of water to the wastewater treatment plant.

1. Utilize the collected water for on-site dust control. Similarly, the water could also be used to irrigate vegetation planted to control erosion on the landfill face. We understand

Mr. Joseph Whelan  
Mr. Timothy Steinberger  
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that WMH has already removed much of the contaminated stormwater (generated from the December 2010/January 2011 storm events) from the sedimentation basin (all of the northern sedimentation cell, and most of the water in the southern sedimentation cell) and transported that water to the wastewater treatment plant. We also understand that analytical data of water collected from the sedimentation basin on February 2, 2011 met concentrations listed in the NGPC; and that analytical data of sediment collected from the northern cell of the sedimentation basin on January 28, 2011 met direct exposure action levels for industrial use. The western drainage system has been functional prior to the February 22, 2011 storm event and no stormwater from Cell E-5 or Cell E-6 has contributed to the sedimentation basin during those events.

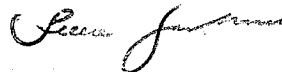
Based on the analytical data as well as the limited potential for the introduction of new leachate in the basin, the collected water may be beneficially used as dust control. This approval does not allow copious amounts of liquid to be introduced onto the landfill (i.e., the application(s) cannot generate any runoff). Please be aware that this approval is limited to the current rehabilitation effort and the associated removal of water to provide access to the base of the sedimentation basin. This approval shall no longer be considered valid in the event that leachate may be reintroduced into the sedimentation basin.

2. Revise the Stormwater Pollution Control Plan for the site, under NGPC File No. HIR50A533, Condition No. 5. We understand from your meeting with the Solid and Hazardous Waste Branch on March 3, 2011 that WMH and the City are considering redesigning the treatment and/or discharge elements of the existing sedimentation basin. If some of these elements can be incorporated now to expedite basin rehabilitation, the Clean Water Branch would be open to reviewing these new design elements.

In addition, as requested, the sediments from the northern cell of the sedimentation basin may be used as daily cover in accordance with your solid waste management permit. Please ensure that the sediments comply with the paint filter test requirement prior to use.

Should there be any questions regarding this letter, please contact me at (808) 586-4304.

Sincerely,



STUART YAMADA, P.E., CHIEF  
Environmental Management Division

c: DOH, Clean Water Branch  
DOH, Solid and Hazardous Waste Branch  
Stephen F. Tyahla, EPA Region IX  
Edward Bohlen, Deputy Attorney General  
Kathy Ho, Deputy Attorney General